

*Allen, J.*

387-07/GMV/PLS

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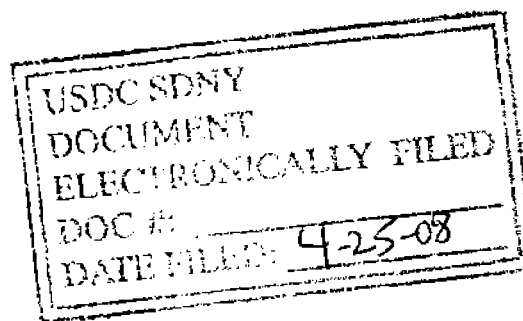
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Gina M. Venezia (GV 1551)

Pamela L. Schultz (PS 8675)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA INTERNATIONAL CORP.,

Plaintiff

- against -

SMIRNOV GROUP INCORPORATED  
a/k/a OAO SMIRNOV GROUP INC.

Defendant

07 CV 7468 (JFK)

**ORDER TO SHOW CAUSE WHY  
(1) DEFAULT JUDGMENT  
SHOULD NOT BE ENTERED  
AND/OR (2) ARBITRATION  
AWARD SHOULD NOT BE  
CONFIRMED AS JUDGMENT,  
AND WHY FUNDS UNDER  
ATTACHMENT SHOULD NOT BE  
TURNED OVER TO PLAINTIFF.**

In consideration of the statements of counsel for Plaintiff at the conference held with the Court on April 22, 2008, the Memorandum of Law, and the annexed Affidavit of Gina M. Venezia, sworn to on April 24, 2008, the Affidavit of Service of Compliance with Supplemental Admiralty Rule B(2) filed as ECF Doc. 7, the Declaration of Patrick Hawkins, and all accompanying exhibits: and the pleadings and proceedings heretofore had herein,

IT IS HEREBY ORDERED that Defendant Smirnov Group Incorporated a/k/a OAO Smirnov Group Inc. (hereinafter "Smirnov") show cause before the Honorable John F. Keenan, United States District Court Judge on the 6<sup>th</sup> day of May at 10:00 a.m., or as soon thereafter as counsel can be heard, in Courtroom 20C at 500 Pearl Street, New York, New York 10007, why the following relief should not be granted:



1. Why a default judgment should not be entered in favor of Plaintiff and against Defendant Smirnov in accordance with Federal Rule of Civil Procedure 55 in the amount of U.S. \$100,000.00 (which represents the full amount of the funds currently under attachment pursuant to the Supplemental Admiralty Rule B Order of Attachment issued in this case), on the grounds that Defendant has been properly notified of these proceedings as provided for in Supplemental Admiralty Rule B(2) and has failed to answer, appear or otherwise move with respect to the complaint herein, and why the judgment should not provide for the immediate turnover of the funds under attachment to Plaintiff;

2. In the alternative, why an order and judgment should not be entered recognizing and enforcing the London arbitration award issued on April 16, 2008, in favor of Plaintiff and against Defendant Smirnov in accordance with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, as a judgment of this Court in the amount of U.S. \$100,000.00 (the full amount of the funds currently attached),<sup>1</sup> and why the order and judgment should not provide for the immediate turnover of the funds under attachment to Plaintiff.

IT IS FURTHER ORDERED, as stated by the Court at the conference on April 22, 2008, that service of a copy of this Order and the accompanying papers upon which it is based be served upon Defendant on or before April 25, 2008, by e-mail at smirnov-so@yandex.ru and by DHL at Pyatnitsokye Shosse 35, Entrance 2, 125430 Moscow, Russia, and that such service be deemed good and sufficient service.

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<sup>1</sup> Plaintiff has reserved all of its rights with respect to seeking recognition and confirmation of the balance of the arbitration award issued in its favor and seeks only to confirm the award in the current proceeding up to the amount of the funds currently attached which give rise to the Court's *quasi in rem* jurisdiction.



IT IS HEREBY FURTHER ORDERED that Defendant Smirnov serve its opposition papers, if any, on Plaintiff's counsel, Freehill Hogan & Mahar, LLP, at their address at 80 Pine Street, 24<sup>th</sup> floor, New York, New York 10005, so as to be received on or before 5:00 p.m. (New York time) on May 2, 2008, and Plaintiff shall serve reply papers, if any, so as to be received no later than 5:00 p.m. the day before the return date on Defendant as set forth above.

✓ Dated: April 24, 2008  
New York, NY

  
U.S. DISTRICT JUDGE KEENAN

TO: Gina M. Venezia / Pamela L. Schultz  
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Attorneys for Plaintiff



Defendant Smirnov Group  
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Attention: Nikolay Smirnov  
Via DHL and email at Smirnov-soi@yandex.ru